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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,159	07/30/1999	KOJI SUZUKI	YKI-0014	9014

23413 7590 12/03/2002

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EXAMINER

SCHECHTER, ANDREW M

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/364,159

Applicant(s)

SUZUKI ET AL.

Examiner

Andrew Schechter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9 and 12 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10 October 2002 have been fully considered but they are not persuasive.

The applicant argues that the references do not suggest all the limitations of claim 1; this evidently refers to the limitation "directly connected to said active layer", since all the other limitations were in previously rejected claims. This amendment overcomes the previous rejections of claim 1 under 35 U.S.C. 102 as anticipated by *Hirano*, *Shimada* '832, or *Shintani*.

(The prior art, in particular *Shimada* '832, does not disclose having a reflective display electrode, a back-surface electrode patterned in the same shape as the display electrode, with the back-surface electrode directly connected to the active layer of a TFT via a contact hole. This excludes intermediate layers such as a drain electrode [7], as shown in *Shimada* '832. Claim 1 is therefore not anticipated by *Shimada*.)

The applicant states that claim 8 includes all the limitations of claim 1; this is incorrect. Claim 8 does not depend from claim 1 nor does it contain all the limitations of claim 1. Claim 8 has not been amended, and no other arguments were made regarding the previous rejections of it, so previous rejections are repeated below.

In the previous office action, the examiner stated two interpretations of the claim language, which have now been re-interpreted based on further consideration. First, the examiner assumed ITO to be a "high melting point metal". Strictly speaking,

however, ITO is a metal oxide rather than a metal, so the examiner no longer considers ITO to be a "high melting point metal", reserving this term for purely metallic materials such as W, Mo, Ti, TiN, TiW, Ta, Cr, further alloys of these, etc. Second, the examiner stated that the language of claim 8 does not require the step of patterning the back-surface electrode and display electrode in the same shape to be a single operation. However, the language "a step of patterning the formed back-surface electrode layer and the display electrode layer to form a surface electrode and a back-surface electrode in the same shape" does seem to the examiner on further consideration as requiring just that – "a step of patterning". This interpretation distinguishes the invention of claim 8 from the *Shimada* '832 prior art reference.

Claim Objections

2. Claim 6 is objected to because of the following informalities: It depends on claim 5, which has been cancelled. The examiner assumes it is meant to depend on claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

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(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by *Hirano*, U.S. Patent No. 6,292,241.

Hirano discloses [see Fig. 3, for example] a reflective type liquid crystal display device comprising a display electrode [E, element 2] made of a reflective material [Al-Nd-Si, an aluminum alloy] with a back-surface electrode [element 12, a Mo layer] disposed in contact with a back surface of the display electrode, and the two patterned into the same shape [see Figs. 3B-C]. The method of manufacturing this device, comprising forming the back-surface electrode layer, the display electrode layer on it, and patterning the two in the same shape is also disclosed, so claim 8 is anticipated.

5. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by *Shintani et al.*, U.S. Patent No. 5,978,056.

Shintani discloses a reflective type LCD with a display electrode [8a] and a back-surface electrode [53] patterned in the same shape and the method of making the above device is also disclosed, so claim 8 is anticipated.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Shimada et al.*, U.S. Patent No. 5,182,620 in view of *Shimada*, U.S. Patent No. 5,877,832.

Shimada '620 discloses an LCD comprising a display electrode [4], a TFT with an active layer [12], with the display electrode directly connected to the active layer via a contact hole. It does not disclose a back-surface electrode on the back of the display electrode, patterned in the same shape.

Shimada '832 teaches [see Figs. 8-9] forming a reflective LCD by forming a back-surface electrode [11a] and a reflective electrode [40] on it, patterned in the same shape. It would have been obvious to one of ordinary skill in the art to do so, motivated by *Shimada '832*'s teaching that the two-layered structure "results in efficient reflection of the incident light....the entire picture element area can be used efficiently, thereby improving the numerical aperture" [col. 4, lines 46-50]. (The examiner takes official notice that making reflection-type LCDs as opposed to transmission-type LCDs is well-known in the art, and would be obvious to one of ordinary skill in the art, motivated by the desire to produce a more light-weight, energy-efficient device – since a backlight and its large power source are not necessary.) Claim 1 is therefore unpatentable.

The active layer in *Shimada '620* is poly-silicon, so claim 6 is also unpatentable. The display electrode in *Shimada '620* (and hence the back-surface electrode in the combination) elongates to a place above a part of the active layer, with the contact hole going from that electrode to the active layer, so claim 12 is also unpatentable.

8. Claims 2, 3, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Shimada* '620 in view of *Shimada* '832, as applied to claims 1 and 6 above, and further in view of *Hirano*.

Shimada '832 does not disclose that the back-surface electrode is made of a high melting point metal as recited in claims 2 and 7. The back-surface electrode in *Shimada* '832 is made of ITO, which does have a high melting point; however, ITO is a metal oxide rather than a metal. Contrary to the position taken by the examiner in the previous office actions, ITO will not be considered to be a "high melting point metal", reserving this term for purely metallic materials such as W, Mo, Ti, TiN, TiW, Ta, Cr, further alloys of these, etc. Nonetheless, this is not a patentable distinction.

Shimada '832 discloses using ITO for the back-surface electrode, but also states that it "may be formed of other types of metal" [col. 11, lines 4-5] without giving examples. The ITO film in *Shimada* '832 serves as a back-surface electrode making good electrical contact to the reflective surface electrode. ITO and Mo are art-recognized equivalents for this purpose, as shown by their interchangeable use in this context in *Hirano* [col. 8, lines 28-30, for example]. One of ordinary skill in the art would therefore find it obvious to use Mo in place of the ITO in the combination device discussed above, so claims 2 and 7 are unpatentable.

Shimada '832 discloses that the reflective display electrode is made of aluminum [col. 11, lines 24-29], so claim 3 is also unpatentable.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Shintani* as applied to claim 8 above, and further in view of *Ishii et al.*, U.S. Patent No. 5,566,010.

Shintani discloses forming a smoothened insulating film with a contact hole, on which the back-surface electrode is formed. *Shintani* discloses a MOSFET transistor in silicon, as opposed to a "thin-film transistor", so it does not anticipate claim 9.

However, a poly-silicon thin film transistor and a MOSFET transistor are art-recognized equivalents for switching devices in these kinds of LCD devices, as shown by *Ishii* [col. 10, lines 10-16]. It would therefore have been obvious to one of ordinary skill in the art to use a poly-silicon TFT in place of *Shintani*'s MOSFET. Claim 9 is therefore unpatentable.

Allowable Subject Matter

10. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

Shimada '832 does not disclose "a step of patterning" as recited in claim 8; *Hirano* does not disclose connecting the back-surface electrode to the TFT via a contact hole, the kind of structure disclosed as prior art in Fig. 1 of *Hirano*; and *Shintani* does not disclose a "high melting point metal" as the material of the back-surface electrode. Claim 10 and 11 would therefore be patentable if appropriately rewritten.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Schechter whose telephone number is (703) 306-5801. The examiner can normally be reached on Monday - Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-4711 for regular communications and (703) 746-4711 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Andrew Schechter
November 26, 2002


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